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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/806,393
Filing Date: June 04, 2001
Appellant(s): CHEVALLIER ET AL.

Chevallier et al
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 25, 2009 appealing from the Office action mailed April 9, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,550,576	KLOSTERMAN	8-1996
5,530,939	MANSFIELD, JR ET AL	6-1996

6,298,401	ANDERSON	10-2001
6,269,431	DUNHAM	7-2001
5,504,900	RAZ	4-1996

(9) Grounds of Rejection

The following grounds of rejection are applicable to the appealed claims:

Claims 8-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman (5,550,576) in view of Mansfield, Jr et al. (5,530,939) [Mansfield].

Regarding claims 8 and 15, Klosterman teaches a process for managing service data in a television system in which the service data are transmitted, comprising a step of acquiring information containing a list of broadcast services and supplementary data relative to these services and of storing the acquired information in a first database of a receiver (col. 2 line 60 – col. 3 line 47).

Klosterman fails to disclose

- copying information stored in the first database to a second database of the receiver for the updating of the said second database, the second database having a same logical structure as the first database, wherein the copying stores data in the first database and the second database in an identical manner;
- making the data stored in the said second database available to at least one application of the said receiver; and
- when the acquired list of broadcast services changes, of acquiring the new list of services in the first database, and of copying the

acquired list of broadcast services to the second database when the entire list has been acquired in the first database.

In an analogous art, Mansfield discloses a process for managing data in a database comprising:

- copying information stored in a first database to a second database for the updating of the said second database, the second database having a same logical structure as the first database, wherein the copying stores data in the first database and the second database in an identical manner (database "snapshot", col. 2 line 66 – col. 3 line 9);
- making the data stored in the said second database available to at least one application (query processing of the snapshot, col. 2 line 66 – col. 3 line 9); and
- when the acquired list changes, of acquiring the new list in the first database, and of copying the acquired list to the second database when the entire list has been acquired in the first database (transaction processing updates the first database, after which a new snapshot is taken for further query processing, col. 2 line 66 – col. 3 line 9).

This provides the benefit of allowing for concurrent processing and accessing of data base information without resource conflict (col. 3, lines 3-6).

It would have been obvious at the time to a person of ordinary skill in the art to modify the process and receiver of Klosterman include copying information stored in a first database to a second database for the updating of the said second database, the second database having a same logical structure as the first database, wherein the copying stores data in the first database and the second database in an identical manner, making the data stored in the said second database available to at least one application, and when the acquired list of broadcast services changes, of acquiring the new list of services in the first database, and of copying the acquired list of broadcast services to the second database when the entire list has been acquired in the first database, as taught by Mansfield, for the benefit of allowing for concurrent processing and accessing of data base information without resource conflict.

Regarding claims 9-13, Klosterman and Mansfield disclose the process of claim 8, but fail to disclose the updating of the second database occurs immediately after acquiring a service datum, after a predetermined time interval after a request for acquisition of a service datum, following a request of an application, or wherein the moment of update is dependent of the type of the service datum.

Examiner takes official notice that it is notoriously well known to take the "snapshot" of databases at different times under different circumstances. Taking the snapshot immediately after the database is updated with new information

keeps the snapshot as current as is possible, wherein waiting a predetermined time interval after a request for acquisition of a service datum is a safeguard to prevent updating of the snapshot information while the snapshot is being accessed by requesting application. Also, updates for different types of data occur at different rates because some types of data change more often than others, and a data type that changes less often will correspondingly require fewer updates of the snapshot of the data to remain current.

Therefore, it would have been obvious at the time to a person of ordinary skill in the art to modify the process of Klosterman and Mansfield to include the updating of the second database occurs immediately after acquiring a service datum, after a predetermined time interval after a request for acquisition of a service datum, following a request of an application, or wherein the moment of update is dependent of the type of the service datum. Each update scheme provides a unique benefit depending upon the needs of the designer, such as providing the most current snapshot, preventing resource conflicts, and system efficiency.

Regarding claim 14, Klosterman and Mansfield disclose the process according to claim 8, the process furthermore comprising the step of when a service changes, acquiring new supplementary information relating to this service (new program guide data, Klosterman, col. 4 line 63 – col. 5 line 12).

Klosterman and Mansfield fail to disclose suspending the updating of the second database with the new supplementary information until a request of an application.

As described above, the examiner takes official notice that it is notoriously well known in the art for the 'snapshot' taken of a database to only be updated after the request of an application, because in the event an application attempts to access the data in the snapshot during the updating of the snapshot process or vice versa, a resource conflict for that memory location would occur, and therefore waiting to update the snapshot until after an application's request would help prevent said resource conflict from taking place.

Therefore it would have been obvious at the time to a person of ordinary skill in the art to modify the process disclosed by Klosterman and Mansfield to include updating of the second database with the new supplementary information until a request of an application, for the benefit of preventing resource conflicts.

(10) Response to Argument

A. Independent Claims 8 and 15

Appellant's sole argument rests upon asserting the fact that Mansfield contemplates taking a "database snapshot" of less than the entire database, which means Mansfield could take said snapshot of one part of the database while another portion of the database is being updated and simply assumes this is contrary to what is being claimed.

However, the examiner fails to see how this is relevant to the claimed invention. As emphasized by appellant, the limitation in question is:

“copying the acquired list of broadcast services to the second database when the entire list has been acquired in the first database.”

This limitation is entirely unconcerned with whether the entire contents of an entire database would be copied at any time. The only limitation is the list is only copied to the second database when the list is fully acquired in the first database. When the examiner addressed appellant's arguments in the advisory action mailed on September 25, 2007, stating that it was unreasonable to assume a “database snapshot” was created at any time other than after the primary database was fully updated, it was with the assumption that the teachings of Mansfield were being applied with respect to the contents of a database as claimed, rather than the entire database, regardless of content. Since Mansfield teaches that snapshots are only taken of data which is not currently subject to change (“A database snapshot is a copy of all or part of the database that is isolated from update activity.” col. 2, lines 66-67), it is clear then that Mansfield does not, under any circumstance, teach taking a snapshot of a list while it is being updated in the database, since said list is not isolated from update activity, as mandated by Mansfield.

So while appellant's arguments regarding Mansfield's support for only taking the snapshot of a portion of a database at any given time are noted, they are also irrelevant. The claimed limitations call for updating a list received at a

first database in a second database after the list has been fully received. Said list would be transferred to the second database, according to the teachings of Mansfield, only after being fully received, since prior to that point the list is not isolated from update activity. This holds true even if the list in question represents only a portion of the database.

B. Dependent Claims 9-14

Each of independent claims 9-14 represent a nominal limitation on simply when the updating of the list in the second database occurs.

Claim 9 states the updating occurs immediately after acquiring a service datum. The examiner took official notice that making the triggering event for making a backup of data was contingent upon the state of the data itself, namely the act of fully receiving an update causes the back up process to initiate. The examiner submits US Patent No. 6,298,401 to Anderson, who teaches that rather than scheduling back up operations ahead of time, making the process contingent upon state information associated with the information is known to be more efficient (col. 14, lines 26-57).

Claims 10 and 11 state the updating also occurs after a predetermined time interval after a request for acquisition of a service datum. The examiner took official notice that waiting a predetermined time before performing a back up in response to access by a user to prevent conflicts. The examiner submits US Patent No. 5,504,900 to Raz who teaches that there is a need to account for

possible inconsistencies between copies of a file during a transaction operation, such as when a user accesses the file at a first location, defining a time window at which the file and its copies are restricted from being accessed by any other process until the transaction is finished (col. 1 line 53 - col. 2 line 14).

Claims 12 and 14 state the updating only occurs following a request of an application. The examiner took official notice for this as well, and it is readily demonstrated in US Patent No. 6,296,431 to Dunham (col. 5, lines 26-44).

Claim 13, however, is simply an inherent feature of claim 9, since the type of data is a determining factor in how long it takes to transfer (for example, when transferring program guide information, channel maps (CMTs) transfer much more quickly than event information tables (EITs), given that EITs contain much more data than a CMT).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Dominic D Saltarelli/

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